

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

GAZAL LOGISTICS AND
WAREHOUSING COMPANY

2014 APR 18 P 12:18

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

Plaintiff

CASE NO.: 1:14-CV-00426
(CMH/TRJ)

v.

ANHAM FCZO, LLC, ET. AL

PETITION FOR REMOVAL FROM THE
CIRCUIT COURT FOR FAIRFAX
COUNTY, VIRGINIA

Defendants

State Court Case No.: 2014-03776

PETITION FOR REMOVAL

Pursuant to 28 U.S.C. § 1441(a), Defendants, Anham FCZO, LLC and Anham USA, Inc., respectfully file the within Notice of Removal of the above-captioned matter to this Honorable Court from the Circuit Court for Fairfax County, Virginia, based on diversity of citizenship, fraudulent joinder, federal question jurisdiction and supplemental jurisdiction, and as grounds therefor, states as follows:

1. On or about March 19, 2014, Plaintiff, Gazal Logistics and Warehousing Company, commenced the above captioned civil action by filing a Complaint in the Circuit Court for Fairfax County, Virginia against Defendants Anham FCZO, LLC and Anham USA, Inc.
2. Plaintiff purportedly served a Complaint and Summons on Defendants by delivering copies of same to David Braus, a corporate officer for both companies on March 31, 2014. True and correct copies of the Summons served on both defendants and Complaint are appended hereto as Exhibits 1, 2 and 3, respectively. This Notice of Removal is timely as it is being filed within 30 days of Defendant first learning of the complaint naming it as a Defendant and within one year of the commencement of the action.

3. Pursuant to 28 U.S.C. Sections 1441 and 1332, complete diversity of citizenship exists and is established as follows:

- a. Plaintiff is a corporation formed under the laws of Kuwait with its principal place of business in Kuwait City, Kuwait;
- b. Defendant Anham FCZO, LLC is a company formed under the laws of the United Arab Emirates with its principal place of business in Dubai, United Arab Emirates.
- c. Defendant Anham USA, Inc., is a corporation formed under the laws of Virginia with its principal place of business in McLean, Virginia.
- d. Defendant Anham USA, Inc. been fraudulently joined in this matter. Plaintiff has sued Anham USA, Inc. as it is a Virginia corporation to avoid federal jurisdiction. Plaintiff's Complaint makes clear that its contract was with Anham FCZO, LLC. Plaintiff makes bald, unsupported allegations that Anham FCZO, LLC and Anham USA, Inc. are the same companies. Such allegations are false. There is no possibility for establishing any cause of action against the resident defendant in state court.

5. In the Complaint, Plaintiff is seeking an amount in excess of \$75,000.00, exclusive of any claim for costs and attorney's fees. This amount in controversy exceeds the jurisdictional threshold contained in 28 U.S.C. § 1332.

6. As this is a civil action wherein the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, this Honorable Court has jurisdiction of this civil action as there exists complete diversity between the Plaintiff and each of the Defendants pursuant to 28 U.S.C. § 1332.

7. In addition, Plaintiff asserts that this matter presents questions of federal procurement law, citing 31 U.S.C. §3901, et. seq. and 5 C.F.R. 1315 as providing the basis for some or all of its claims.

8. This Honorable Court has jurisdiction to decide any federal questions of law pursuant to 28 U.S.C. § 1331.

9. That all Defendants consent in and/or join in the relief requested herein.

10. By reason of the foregoing, this matter may be removed to this Honorable Court pursuant to 28 U.S.C. Section 1441.

11. That this Honorable Court further has jurisdiction over any supplemental claims pursuant to 28 U.S.C. § 1367.

12. A copy of the Notice of Filing Petition for Removal issued to the Clerk of the Circuit Court of Fairfax County, Virginia is appended hereto as Exhibit 4.

13. This Notice of Removal will be served on Counsel for Plaintiff pursuant to 28 U.S.C. Section 1441(d).

14. This Notice of Removal is filed within thirty (30) days of when federal diversity was first established, and within one (1) year of when the lawsuit was originally filed.

15. Defendant, through counsel, present and file herewith a check in the amount of \$400.00 in payment of the filing fee, as required by law.

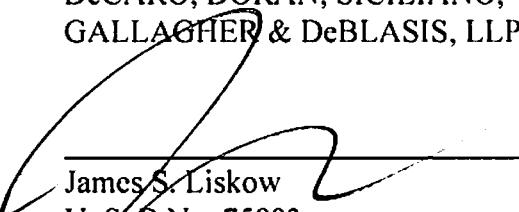
WHEREFORE, Defendant, Anham FCZO, LLC and Anham USA, Inc., respectfully requests that this action be removed from the Circuit Court for Fairfax County, Virginia to this Honorable Court.

Respectfully submitted,

ANHAM FCZO, LLC and
ANHAM USA, INC.

By counsel,

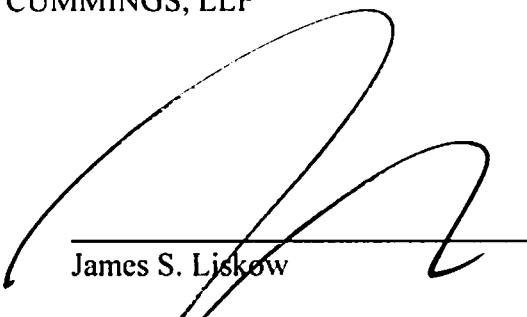
DeCARO, DORAN, SICILIANO,
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of April, 2014, I mailed a copy of the foregoing Notice of Removal, first-class, postage prepaid, to:

Douglas L. Patin, Esquire
Thomas R. Lynch, Esquire
BRADLEY, ARANT, BOULT, CUMMINGS, LLP
1615 L Street, N.W.
Suite 1350
Washington, D.C. 20036


James S. Liskow